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International Court of Justice

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OFFICIAL TRANSCRIPT OF THE INTERNATIONAL MILITARY TRIBUNAL IN THE MATTER OF THE UNITED STATES OF AMERICA, THE FRENCH REPUBLIC, THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, AND THE UNION OF SOVIET SOCIALIST REPUBLICS AGAINST HERMANN WILHELM GOERING ET AL, DEFENDANTS, SITTING AT NURNBERG, GERMANY ON 10 AUGUST 1946, 1000-1300 HOURS.

ERICH VON MANNSTEIN -- Resumed

DIRECT EXAMINATION -- Continued

BY DR. LATERNSER (Counsel for the General Staff and the OKW):

Q Fieldmarshal, how did you judge the intention for attacking in the West?

A In my opinion, since a political agreement with the Western Powers was obviously no longer possible, there was no other way out than an offensive in the West in order to end the war in that way.

Q Did you participate in the preparations against Norway, Greece and Yugoslavia?

A No. Of the starting of these campaigns I only heard over the radio.

Q How did you as a military leader regard the war against Russia?

A I considered the war against Russia to be a preventive war on our part. In my opinion, there was, in fact, no other way out for Hitler -- no other way out of the situation in which he had brought Germany. After having not dared to invade Britain in the autumn of 1940, he knew, in my opinion, that the Soviet Union was a very great threat in 1940 and 1941 -- a threat which would become real as soon as we would finally tie our forces in the fight against Britain. The only chance of extricating ourselves from that situation would have been a landing in England in the autumn of 1940 but that was a risk which Hitler did not want to take.

Q How is it possible that the Supreme Commander of the Army and the Supreme Commander of the General Staff of the Army, in the most important military decisions such as, for instance, a war against the Soviet Union, was by-passed by Hitler?

A In my opinion the explanation is the following: Politically we generals had not had any say for a long time, because the political objections raised by the generals on the occasion, for instance, of the Rhineland and the march into Czechoslovakia, had turned out to be immaterial and Hitler had

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been right. Hence, he no longer listened to the political opinions expressed bythe OKH.

As far as the military sphere is concerned, I was personally of the opinion that the offensive in the West, from the point of view of the soldier, was absolutely inevitable. The OKH was of a different opinion. On that score, the OKH, in my opinion, adopted the wrong military attitude. There again Hitler turned out to be right, and it became quite apparent from his behavior that after that he thought that he knew more than the soldiers, so that on the decisive questions concerning the fight against the Soviet Union he would no longer listen to the OKH.

Q You have heard of the Commissar Order, have you not?

A Yes.

Q What attitude did you adopt with reference to that order?

A It was the first case wherein I found myself involved in conflict between my soldierly conceptions and my duty to obey. Actually, I ought to have obeyed, but I told myself that as a soldier I could not possible cooperate in a thing like that, and I told both the commander of the army group under which came at the time, as well as the commander of the armored group that I would not carry out such an order, which was against the honor of a soldier.

In practice, the order was, in fact, not carried out. My divisional commanders, who had received the order independently from me in the Reich, shared my view, and, apart from that, the Commissars, as good fighters, defended themselves to the last and often shot themselves before being taken prisoneror removed their badges of rank and could not be identified by the troops. The troops, who within themselves disliked the order intensely, certainly did not look for Commissars amongst the prisoners.

Q You have just mentioned the supreme commander of that army group and the commander of the armored group. Who were they? Who were these genera

A The supreme commander of the army group was Fieldmarshal von Leeb, and commanding the armored group was Colonel General Hoeppner.

Q And what was their attitude with reference to these orders?

A Fieldmarshal von Leeb received my report that I would not carry out the

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order as my superior by putting it on record; in other words, he silently approved. Colonel General Hoeppner, with whom another commanding general, Heinhardt, has also raised objections, promised that he would object against the order by approaching the OKH, but he was unsuccessful.

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Q How could you coordinate your dispbedience in this case with your conception of the military duty to obey?

A Actually, military obedience is, of course, unconditional, but at all times there were cases during wars where higher military leaders did not obey an order or carried it out differently. That is contained in the higher military leader is burdened. No army leader can be expected to join a battle when he knows that he is bound to lose.

In these questions, that is to say, operational questions, there is in practice some sort of right which, however, must be confirmed by success, the right to deviate from orders which have been given. In the German army particularly, that independence of lower ranking leaders has always been particularly emphasized.

The situation is quite different in the case of orders which deal with actions on the part of all soldiers. In such cases, disobedience on the part of a small man may be compensated in its consequences by means of punishment. If the higher leader, however, disobeyed orders in such cases, then he would shake not only his own authority but the discipline altogether, and he would thus endanger the military success. In such cases, therefore, the higher leader is more duty-bound than the soldier and the lower ranking leader, because he, the higher man, should be an example.

Q But by this disobedience of yours, did you not undermine discipline?

A No, not in that case, because the sentiments of the troop corresponded to my thoughts. In other words, the feelings which we had inoculated into our troops opposed, in this case, the political will imposed upon them by Hitler. Apart from that, we were able to refer them to the order issued by the Supreme Commander of the Army, to the effect that the maintenance of manly discipline would take preference over everything else.

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Q What was the execution of the penal system in the army in accordance with the order from the supreme commanders of the army that discipline was to be observed strictly?

A Military discipline was emphasized by us according to the conception which we had because of our training, in other words, lawful and right and according to a decent soldier's life.

I should like to quote as an example that the first two death sentences with which I had to deal were imposed at the beginning of the Russian campaign against two German soldiers in my corps because of the rape of Russian women, and it was the same everywhere.

Q Now let us come to another chapter. What can you say about the treatment of prisoners of war?

A With reference to the treatment of prisoners of war as far as it came under our jurisdiction, I shall have to first of all say in principal that we as soldiers respected every brave opponent, and secondly that we knew very well from the first World War that everything one might do to enemy prisoners of war would finally have repercussions upon one's own soldiers. As a matter of principle, therefore, we treated prisoners of war in the manner which we had been taught as soldiers, and which we had to adopt, that is to say, in accordance with the international regulations.

Q Have you yourself ever ascertained a violation and have you stopped any such violations yourself?

A Let me first of all say there have been many accounts of prisoner of war transports, and when they were on their way, I never saw a prisoner of war who had been shot. Upon one occasion, when I was the supreme commander of the army group, I saw a German soldier hitting a prisoner with a club in order to clear the way for my motor car which was trying to pass the column. I stopped at once and took the man's name, and on the following day I had his commander appear be-

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fore me and gave him an order to punish the man, and I told him myself that the next time he would face a court martial if any such excesses were permitted amongst his troops.

Q Can you find any explanation for the mass casualties amongst Russian prisoners of war during that first winter ?

A My army had huge numbers of prisoners later on, up to 150,000 prisoners, and it is of course, always difficult to find the necessary food and accommodations for such large numbers. As far as my army was concerned, we managed to do that. We gave permission to the population, for instance, to bring food into the camps for the prisoners and to make their situation easier that way.

During the large battles in 1941 which took place within the Army Group Center and near Kiev, where many hundred thousands were concerned, the situation was somewhat different. First of all, the Russian soldiers came from these valleys in which they had defended themselves to the last when they were already half-starved, and then, an army with its transportation space cannot possibly bring along the necessary goods to suddenly feed 500,000 prisoners. Then, you can't even accommodate them in central Russia. After all, the same conditions arose in Germany after the capitulation, when hundreds of thousands of soldiers spent weeks in the open and couldn't be fed properly either.

Q To what extent were the supreme commanders responsible for prisoners of war ?

A We were responsible for prisoners of war as long as they were in the area of our armies, that is to say, until they were handed over to transient camps.

Q So that was an entirely temporary state of affairs?

A Yes, unless prisoners of war were employed and worked in the army area.

Q Well then, in cases where the prisoners remained with the army or armies, how were they treated ?

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A Those prisoners whom we retained in our army areas were required to support the work we had to do, and for that reason they were, of course, decently treated. After all, we had about 100,000--sometimes more--prisoners whom we employed as so-called auxiliary volunteers. Those auxiliary volunteers remained faithful to us even during our retreats, and came along, and that certainly wouldn't have been the case had we treated them badly.

I should like to quote one example. When I was the Supreme Commander of the Army Group South, after Rosch Kash, I had no personnel for guarding, and there for about eight or ten days I had a prisoner in my house to guard me, and after all, had we treated the prisoners badly, they would have bumped me off.

Q Now let us come to the prisoner of war system in the Reich. Who was in charge of camp commandants ?

A As far as I know, camp commandants within the army districts came under the General for Prisoners of War, and he in turn was under the Commander of the Reserve Army.

Q Who was the Commander of the Reserve Army?

A The Commander of the Reserve Army was, until 1941, Colonel General Fromm, and after the 20th of July, it was Heinrich Himmler.

Q Did the prisoner of war system in 1944 not come under Himmler ?

A Yes, I don't know the exact date, but I do know that the total system of prisoners of war was expressly, emphatically put under Himmler's command.

Q Was there large-scale destruction carried out within the areas of your army?

A Yes, in the Ukraine, for instance, there was very considerable destruction which we found, however, to a very considerable extent, when we got there in 1941. All railway lines had been destroyed so that in 1943 waterworks were

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still not capable of working; all communications and telephone exchanges had been destroyed; many industrial plants had been destroyed; the large dam at Poroscho, the works at Kharkov, the large iron works, and the oil industry at Miakov in the Caucasus.

Q Were there any special reasons why these destructions went on to the extent they did ?

A The reason why destruction in the last war exceeded destruction known in previous wars is due to the tactics employed in this last war. In 1941, Stalin, quite justified from his point of view, ordered his army to fight for every foot of ground. Hitler adopted that same system, and if you force armies to fight for every foot of ground, you are lost and the villages and the towns are bound to go up in flames in the process.

Take, as an example, Sevastopol, which during eight months was used as a fortress, and finally the town itself was defended. Take Stalingrad. For weeks one house after another was fought for. Take Rostov; take Kharkov. We took them twice and the Soviet Army took them twice during heavy battle. Kiev and Rovno were taken once, and Odessa was taken by the Rumanian armies during an attack which lasted for weeks. Of course, all of these towns were destroyed in that fighting. That was unavoidable.

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Q And wasn't there planned destruction too?

A I experienced that in 1943 during the retreat from the Dnieper areas by order of Hitler. There was planned destruction to a considerable degree. It had been Hitler's order that the territories at Dnieper should be made useless for the Russians. These orders went into great detail when they came from him.

Q Was this destruction necessary for the carrying out of the warfare?

A In reference to this resistance at Dnieper I have to answer that question absolutely in the affirmative. The situation was that if we could not bring the Soviet Army to a halt at Dnieper, if they continued to break through and to continue their pressure, the war was lost if Dnieper had not been fortified. The work only just begun. Sufficient troops at the front to hold the Dnieper line were not available. That was further reason for bringing up reserves to the front line especially since the Russian attack did not stop. It was assumed, in the autumn of 1943, that the southern part of the eastern front would be invaded and the war in the east, then, would have ended unfavorably for us. In such cases only the highest leaders could decide on what to achieve when seen operationally. The lower leaders cannot judge in that connection -- he can only see the necessities of his sector and therefore he cannot have the right to turn down such decisions.

Q And then these orders to revert to destruction were carried out?

A Certainly. Nearly every Army leader tried to keep this destruction down as much as possible, particularly in our part of the Ukrainian area where we, the soldiers, had a very excellent relationship with the populati That, after all, is the problem of the individual leader -- whether or not he decides that his goal can be achieved with a minimum of destruction. There was a difference, a difference in attitude toward the destruction of accommodations, of billets. In the winter thepossibility of fighting in the east depended to a very considerable extent on the possibility of accommodating the troops during the night. In the winter, therefore, the destruction of billets could be absolutely decisive. In the summer, of course, it was not quite so important.

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Q What do you know about the destructionof churches and cultural monuments?

A I can onlysay that in many areas cultural monuments were preserved. A large portion in the Krimm, the Southern Sector, for instance, was already found destroyed, but then, we preserved other monuments such as the Czarist castles very, very carefully.

Q For instance, I, together with my Army command, was outsidd Leningrad in order to prepare an attack which was not carried out. There saw several castles, Oranienbaum and others. They were destroyed but they were within the range of Russian artillery and I myself was under artillery fire. The castle was burned out but they were not burnt by our troops.

Q Now, a few questions with reference to the partisan warfare. Did you ggin any knowledge of thefact that the partisan warfare was concerned with the extermination of Jews and Slavs?

A No.

Q Have you given any orders to the effect that no persons were to be taken during the partisan fighting?

A No.

Q What was the picture you had at that time of the results of the handing over of a certain person to the SD?

A It was our impression that first of all the SD would interrogate such a person and then quit/probably, send him to some camp. We also know that German soldiers who were picked up for desertion had to be turned over to the SD because there was a regulation enforced that lengthy penalties during war were not to be carried out unless the people in question, in order to utilize their working capabilities, had to be kept out of prison walls, and these people, these prisoners, were to be sent to concentration camps for the duration of the war. That is to say, that the turning over of a prisoner to the SD for any other purposes was o of the question.

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Q Did you know anything about conditions in the concentration camps?

A No. I know as little about that at the time as the German nation, or possibly, even less, because when you were 1,000 kilometers away, in battle, you naturally did not know or hear about things like that. I know from prewar days that there were two concentration camps, Oranienburg and Dachau, and an officer, upon the invitation of the SS visited the camp and told me that it was simply the most wonderful collection of criminal prisoners and political prisoners who, according to what he had seen, were being treated strictly but correctly.

Q How do you, as an old, traditional soldier, explain the symptoms which the Prosecution has described as crimes against humanity committed by the German war leaders?

A This last war, beginning in 1941 with the Soviet campaign, was, shall we say, fought from two points of view. The first was the military conduct of the war which we, the soldiers, were carrying through, and the other was -- incidentally on both sides -- the ideological conduct of the war which we soldiers were not carrying out but which was carried out by the others.

Q You just said 1941?

A Yes, it is my view that the Polish war and the war in the West and the campaigns in Norway and in the Balkans were still carried out in a purely military manner as long as the fighting was going on. This other part, that is to say, the ideological part of the war, did not start until the campaign against the Soviet Union started, and it was then, in effect, transferred to the other territories by the elements who conducted the war.

Q But then, who was conducting the ideological part of the war?

A We soldiers did not conduct the ideological part of the war. It was conducted by Hitler, and, in my opinion, by some of his closest collaborators, and also a limited number of participants.

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Q How is it that this war was not conducted by soldiers?

A Hitler knew perfectly well that we, with what he called our "gallant conception of warfare" did not do things like that. He defined his view very clearly in the speech he made after the Polish campaign. From this point of view of his I know that the armed forces would have to be kept out of this sector, out of the ideological part of the war, and everything that was done was removed from our influence or even from our knowledge.

Q And by what means did Hitler remove this part of the war?

A He took it away from us first of all from the point of view of fate. The bulk of the occupied territories were removed from the influence of the supreme commander, that is, the commissariat, the Reich Commissariat in the East, and the remaining countries. Apart from that he also took away from us the actual spheres of influence on the strength of which this fight went on from the point of view of fate. In fact, we had very little to say. All police measures were put into force by Himmler under his own responsibility as it is contained in the well-known Barbarossa order.

The economic exploitation was a matter for Goering; the obtaining of labor was Sauckel's affair; art treasures were handled by Rosenberg for registration and sorting out; legal matters with reference to the civilians had expressly been taken away from our military court-martials. In other words, all we were left with was the running of the fighting at the front, the military sector, and the creation of a local administration as well as the setting up of agriculture and business.

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DR. LATERNSER: Mr. President, I have a sketch regarding the powers and responsibilities, which I have had prepared, and I should like to submit it to the Tribunal when I submit my documents. It is Mil 3. I should merely like to show this sketch to the witness in order to ask him whether the sketch is accurate and later on I shall explain the sketch and submit it to the Tribunal.

THE PRESIDENT: Yes, certainly.

BY DR. LATERNSER:

Q. Fieldmarshal, I am going to have a sketch, Mil 3, brought up to you and I will ask you whether that sketch is accurate and correct.

THE PRESIDENT: Dr. Laternser, you are showing it to the prosecution no doubt.

DR. LATERNSER: Yes, sir.

THE WITNESS: In my opinion, this sketch is correct. Naturally, details regarding levels and subordination, regarding the Occupied Territories, which came under military commanders and which changed in the course of the war are mentioned.

BY DR. LATERNSER:

Q. But these subjects don't concern the defendant Sauckel's person ?

A. Yes, sir; that is right.

Q. In which spheres was the ideological warfare conducted by others ?

A. There you have to differentiate between two matters; outside the military conduct of the war carried out by us, the soldiers, the war was conduct with economic means; in other words, for the economic exploitation of Occupied Territories for our warfare: that is to say, in the sense of the slogan "total war". That, in my opinion, was a novelty from the point of view of international war but it wasn't a crime. The second, the ideological sphere, as such, is connected with special measures introduced against the population and carried out by other forces which in turn had nothing to do with the economic exploitation as such.

Q. What do you mean "under special methods"?

A. There are means, in the first place or, shall we say, exclusively, the

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A. It may be that Ohlendorf may have reported to me on one occasion and his reports always took place towards mid-day and it is quite possible that I invited him to lunch. If he did visit me, then it was certainly only in the presence of my chief of staff because anyone who didn't belong to the army was only received by me in the presence of my special staff. I want to add that I had already spent several weeks in prison here when one day General Westphal told me that there is Ohlendorf who maintains eh was in the Ukrne. I asked Westphal to show him to me and I said I may have seen him once but I don't know, I don't remember. That would elucidate the type of contac which I might have had with him.

Q. Witness, Ohlendorf, has said that during the march he had talked with you and your chief of staff.

A. He couldn't have talked to me during the march at all because a suprem commander doesn't join the marches of the troops, where I might have met him If I changed my command post, then I did do that by airplane or an ordnance officer and I travel by car. We don't march and if I do it then my chief of staff would be there because in the event of such changes, the chief of staf always remains in the old command post until the supreme commander has reach the new command post, so that at the time the leading of the army was interrted -- it is quite out of the question, practically speaking, therefore, tha Ohlendorf could have talked to me and my chief of staff during the march.

Q. Fieldmarshal, how do you explain it, that the murder of ninety thousan Jews could have escaped your attention ?

A. These ninety thousand Jews, which were quoted, were by no means murdered in my zone of command. As Ohlendorf has stated, his zone reached from Schalowitz, that is, the Carpathian Mountains to Rostov; that equals approximately twelve thousand kilometers and the rest of that consists probably from three to four hundred kilometers. In this huge zone, not only the 11th Army was operating but in that area, the first armored army, the third and the fourth Roumanian army were operating; that is to say, altogether four armies and these ninety thousand persons which are supposed to ha been murdered in the course of a year, are therefore distributed over an area as large as that, an area only a small portion of which was occupied by the 11th Army at the Krimm.

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Q. But would have you not have had to hear about it if in the Ukraine for instance, a few hundred Jews were murdered ?

A. No, I did not have to hear of that. In that year I occupied, I think twelve or thirteen different command posts, always in the fighting zone. When I was at my headquarters at Jomalus -- it was a small village about twenty kilometers from the main city, the capitol -- practically speaking only tactical reports reached my command post and there were only one or two occasions every week when the quartermaster and the chief medical officer came to see me in order to report to me the most important matters; it has also got to be considered, that situation for us, that a supreme commander was completely taken up by the worries of battle and that was quite rightly so and only the most important points of other matters were reported to him. Point two is, that our troops, nearly to the last man, in the Ukraine particularly, were being used in the battle at the Front; even our clerks were sometimes sent into battle -- for instance, all the rear area was more or less devoid of troops and only the most important supply points were guarded by troops; everything taking place outside the view points in practice never reached the ears of military sources.

Q. Have you ever received a report of the shooting of Jews ?

A. I have not received a report of the shooting of Jews, no. I once heard of the rumors.

Q. And what are we concerned with in that case ?

A. When I took over the army, which took place the day before I left the Ukraine for my command post, it was said that the SS was out there, without details given, and were supposed to have murdered in Kischilev, In Bessarabia, sometime in the past, a few Jews by shooting them. That was a rumor about one individual case. Since I was leaving the following morning, I gave the orders to my ordnance officer that the leader of the SS was to be told that in the area where I was to be supreme commander, I wouldn't tolerate any such monkey business and since we were only concerned with the rumor and since an order of mine that an investigation should be made did not produce any witnesses who had seen it, the matter was in fact over. I was immediately joining the most serious fighting and since then, I received no further reports about the shooting of Jews.

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Q But the witness Ohlendorf has talked about the shooting of Jews, and the Armed forces were supposed to have participated in it. Was your Headquarters at Simfropol?

A Only the Chief Quartermaster Office was in Simfropol. I was myself at about 20 kilometers away from Simfropol. That a unit of my Army could have participated in the shooting of Jews, I consider it out of the question. Ohlendorf was perhaps speaking of Army followers, police or others like that. If an Officer of my Army had participated in anything like that, it would have meant his end.

Q The Army was supposed to have received watches from the SD, and which were taken from Jews. Do you know about that?

A That I do not know. An Army Quartermaster Officer visited me once and reported that he had obtained a large number of watches from Germany. He showed me a watch which was manufactured in Germany.

Q Waht was the channel of command for Einsatsgruppen?

A During that subordination, one speaks of channel of command tactically, for the purpose of fighting at the front. Or the economic subordinatior, an organization for the purpose of supplying food, petrol, and like that. Thirdly, subordination from the point of view of discipline, which includes also subordination for training equipment, personnel questions, discipline and legally. The latter subordination was in no case ever granted, not even for the units of the SD. Economically and tactically, subordination was possible. Economically, from the point of view of transportation and supplies, the SD did come under us. From the employment view point, it did not exist at all. It only existed in the case of medical officers for instance. A small medical division might have come under it, but from the point of employment, we were not concerned with that. From the point of view of subordination for marching and supplies, we were concerned with matters only by the Chief

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Quartermaster. A Supreme Commander would never bother about marching orders for very small units.

Q Ohlendorf has mentioned an order from the Supreme Army Commander, according to which, the shooting of Jews, were taking place only 2½, to according to other testimony, 200 kilometers from the Army Headquarters, is that correct?

A No, and such an order would be complete nonsense. 2½ kilometers from the Army Supreme Command Headquarters? What sense would that mean? It would have to be outside the operational zone. He has no right to give orders there. Such an order was not given - at least, I never gave it at any rate.

Q Did you cooperate with the Panzer Group, with the Einsatzgruppen?

A Hoeppner was with the Einsatzgruppen. I was in command of a Panzer Corps. This happened during the first month of the Russian Campaign and some times the Corps was stationed 100 kilometers ahead. In my own case, the Infantry Armies which followe they were two retreating Russian Armies, in a case like that where the Russians were following us so closely, that a shooting of Jews was occurring, is out of the question.

Q Do you know Colonel General Hoeppner?

A Yes, of course.

Q What was his attitude in regard to such actions?

A Hoeppner was a decent, straight-forward and open-minded soldier. That he could have cooperated in such matters, I consider it absolutely out of the question. Apart from that, everything shows he was not taking the side of these people.

Q Was there any tactical collaboration with the Einsatzgruppen, on the part of the Eleventh Army?

A Yes. The SS, SD, or the Police, furnished us as far as possible, a number of auxilliaries for our operations. For example, in the Jaila mountains of the Krimm, there were two small inaccessible parts of the mountains where there were bandit We couldn't get to them. We had no mountain troops. All that

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was left was to starve these bandits, and they would try to come out and raid a village for food. There were Tartar villages and armed Tartars. In order to reconnoiter, the SD assisted us.

THE PRESIDENT: This is going into the matter in great detail. Has it not been gone into in his evidence before the Commission?

DR. LATERNSER: Very well, Mr. President. With reference to this subject, I have reached my last question and that question had not been put before the Commission, as far as I can recollect.

A They helped us. We had no personnel who could deal with that task.

Q Has it been that sections of the SS, SD, Einsatzgruppen participated in partisan battles and they were decorated for that work?

A That is possible. But these were decorations for work in a battle, but not for the killing of Jews.

Q Now let's come to another point. The Armed Forces has also been accused of looting in the occupied territories. What can you tell us about that?

A We have the strictest orders within the Army against looting, and looters were strictly prosecuted. An individual man was not allowed to requisition, only units. A unit was only allowed to requisition what was needed for feeding of the troops. In 1943 we had cooperated in the return transportation of goods which were especially needed for our warfare. By an executive order of mine that was limited to the Ukraine area, grain and a few other things as small quantities of cattle, could be taken. On these occasions we were not concerned and did not loot private property, but were concerned with the necessary needs.

Q Were factories dismantled by the Armed Forces?

A The dismantling of factories, if it took place, took place by orders from the Economic Staff, EAST, because the exploitation of industry, did not come under the command of the Armies.

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Q To what extent did military leaders cooperate in the deportation of workers?

A We merely had instructions to support the lining-up of labor. During a conversation with Sauckel, he told me, upon my representations that methods of coercion were being used, that he himself was against methods of force. It had been reported to me that there had been supposedly force used. When I made inquiries of Reich Commissioner Koch, he told me it was not true, that he heard these rumors and looked into it, but that it was a bunch of lies. I had no rebutting evidence againts it. The Plenipotentiary of the Reich presented regulations to me according to which foreign workers in Germany were to be treated in accordance with the wage scale and food scale allotted to German workers.

Q You contacted Sauckel and Koch. Were these different conversations, or were you visiting all together?

A They were different conferences. Koch once came with Rosenberg. Then I mentioned that I heard these methods of force were being used, and it was denied.

Q And then on another occasion Sauckel visited you alone?

A Yes.

THE PRESIDENT: The conversation that occurred with Rosenberg, when did it occur?

FIELD MARSHAL VON MANNSTEIN: That I cannot remember.

THE PRESIDENT: Not the exact date; approximately?

FIELD MARSHAL VON MANNSTEIN: In 1943 Rosenberg and Koch came to visit me. It must have been, I can't say approximately, but it was around September or October, but I can't to the best of my ability give the exact date. It may have been earlier.

Q Field Marshal, why did you, as a high military leader, permit all these violations of international law and law of humanity?

A In my area, in my military zone, I did not tolerate such things. In the ideological warfare and outside my sphere of influence, it was something we did not know about. It was

taking place outside our knowledge, and we had no power or the right to prevent it. In all its dreadfullness, which has since been discovered, we never knew of it.

Q Do you believe in the Army, to obey, to have to watch everything, and cooperate with everything?

A The military duty to obey is no doubt valid and cannot be weakened. The right or duty to disobey, does not exist with the soldier. He must obey. But there may a moral duty there some time. That moral duty would have existed in such a case as the execution of Jews. But of course, that we did not know.

Q In such cases, would not a refusal on the part of supreme commanders, cause Hitler to remove you in a half hour?

A That would not have been. In other cases it would have been a reason to remove us all. Apart from that, an open refusal to obediency, would have been different. At the very moment that he allows such a force to be successful, his dictatorship is ended.

Q Did the possibility exist to raise objections?

A In a decision for war, we certainly did not have any possibility. He announced his decision in the speeches or means of orders, and a discussion did not exist. It was not possible.

THE PRESIDENT: The witness has been over this subject already.

Q Did you have military influence on Hitler?

A In the question of military leadership, he may have listened to me up to a point. On the other hand, we had a continued chain of arguments about these matters, and my written suggestions to him, or to the Chief of General Staff to put before Hitler, would fill a volume.

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In decisive points of the operational leadership I probably succeeded, generally speaking, to put over my points of view. In other cases, as soon as we left the subject of military leadership, any discussion was turned down by him. On three occasions I tried, during personal talks I had with him, to get him to alter the system of the supreme military command, that is, in other words, not formally speaking but saying that actually he ought to surrender the supreme command of the armed forces.

THE PRESIDENT: What have we got to do with this? What have we got to do with these matters which are matters of strategy? The High Command is not being accused of anything in connection with strategy.

BY DR. PELCKMANN:

Q Do you know, Field Marshal, whether other military leaders too had differences of opinion with Hitler?

A The number of such differences was no doubt very large indeed. It becomes apparent from the following facts alone. Of 17 Field Marshals who were members of the Army, 10 were sent home during the war and 3 lost their lives in the course of the 20th of July. Only one Fieldmarshal managed to get through the entire war in his particular position. Of 36 Colonel Generals, 18 were returned and 5 died in the course of the 20th of July or were dishonorably discharged. Only 3 Colonel Generals survived the war in their positions.

Q Out of 36?

A Yes, out of 36. I believe there is no profession which has as many victims of conviction on its records because all these leaders were highly qualified officers, militarily speaking, andtheycould not have been sent away because they were incapable. They were sent home because Hitler distrusted them and also behause he did not think they were hard enough in battle.

Q Did the circle of men concerned with the 20th of July get in touch with you? The witness, Gisevius, has said something about that.

A I did not become aware of that. On one occasion I received a letter from Colonel General Beck. It was in the winter of 1942, and he was discussing the strategical situation on the basis of the experience at Stalingrad. He was saying that it would hardly be possible to bring the war

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to a victorious end. I replied to him that I could not contradicthis statements but that one defeat could not be considered the reason for the war lost and that a war was only lost if you yourself considered it lost. I went on to say that I had so many worries at my Front that ZI could not begin a lengthy discussion about these matters. Now, afterwards, it has become clear to me that several additional attempts to make contact were made in order to find out my attitude. On one occasion, General von Gersthoff visited me and, as he told me afterwards, he had letters on him from Topitz and Gertner, which he was supposed to show to me if he gained the impression that I could be signed up for a coup d'etat. Since it has always been my point of view, however, that the removal or the pushing aside of Hitler during war would lead to chaos, he never showed me these letters at all. That these were supposed to be attempts to make contact with me is something which I have only now begun to understand. I had never, therefore, made a promise to anyone to participate in such affairs.

Q Did you receive any donations, any gifts?

A No, I did not.

Q When and why were you relieved of your post?

A I was relieved of my post at the end of March, 1944. The reason given to me by Hitler was that large-scale operations during which he could use me were no longer going on and that it was merely a question of tenacity now and a newman would have to occupy my position. I never believed that this was the true reason. The true reason was no doubt contained in the fact that he distrusted me too. After all he was the revolutionary and I was theold Prussian officer. Then too, as the Chief of the General Staff, General Breitler told me at the time, a continuous campaign of hatred against me was started on the part of Himmler, and all sorts of statements made, namely that a christian like I could not be faithful; that campaign of hatred presumably originated from other sources, too.

Q I shall now come to my last question, Field Marshal. Whan can you say against the accusation on the part of the prosecution that the military leadership should be held responsible?

A I have been a soldier for forty years. I come from a family of soldiers and I have grown up holding the military conception of a soldier.

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The example most nearly relative I can think of is theold man Hindenburg. We, as young officers naturally considered the glory of war as something great and I do not wish to deny that I was proud that during this war an army was entrusted to me. But our ideal, and that applies to my comrades, too, we did not think would lie in conducting of war but we thought would be the education of our youth to honorable citizens and decent soldiers. That youth of ours went into death under our orders, millions of them. If I may say something personal, it is this: My oldest son died as an Infantry man, as a Lieutenant, when he was 18; two foster sons of min, who grew up in my house, died as officers; my best comrade in this war, my young adjutant and my young chaffeur, didd. Nearly all the sons of my brothers and sisters died. That w the old soldiers, should have sent into war that youth of ours to whom our hearts belonged, goes beyond anything which even the most outstanding imagination could attribute to a man. It is possible that a man without a family and without tradition, who has a fanatical belief in a highermission, may go beyond the limits of human law, but we, the old soldiers, purely from a human point of view, would not have been in a position to do so. We could not lead our youth into crime.

DR. LATERNSER: I have no further questions, Mr. President.

(A recess was taken).

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BY DR. GAWLIK (Counsel forthe SD):

Q Mr. Witness, you have repeatedly mentioned the SD. What is your conception of the SD?

A What I understand of the SD is that it is an institution within the framework of the SS, which came under Himmler, having special police tasks.

Q Then if I now tell you that here the SD Departments III andVI in the RSHA are being indicted, then I also want to ask you, did you understand by the SD just those organizations?

A The conception of the SD is only known to me as it was probably known to most Germans; thatis to say, that it is some sort of a special polic I do not know what departments in the RSHA belonged to it, because the organization and tasks of the RSHA are unknown to me.

Q Do you as a former supreme commander not know, either, which departments in the RSHA were dealing with these tasks?

A No, I have no idea of that; nor did I interest myself in it at any time.

Q Can you answer the question with yes or no whether you meant Departments III and VI of the SD?

A No.

Q Your defense counsel and you yourself have talked about the Einsatz gruppen of the SD here. Was that designation correct, or what were these Einsatzgruppen called?

A The description became clear to me only here. Previously - that is to say, as long as I was a supreme commander, -- I only knew that Higher SS and Police Leaders existed, and that sections of the SD had been given the special task of training the population. Let us say, therefore, that the conception of the Einsatzgruppen as such, as their tasks are becoming known now, only became perfectly clear to me here.

Q But then you as a former supreme commander must have known what the correct description of these Einsatzgruppen must have been.

A It may be, certainly. And it may be that I already knew the name Einsatzgruppen. But I never thought that it was anything special. I merely considered it to be a part of the SD, which was under Himmler, and which had been given special tasks.

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Q Did you not know that these Einsatzgruppen had the designation Einsatzgruppen A, B, C. and D?

A No. I knew nothing at allpreviously of Einsatzgruppen A, B, C, and D. And whether one of the Einsatzgruppen in my territory was called "D" or not, I cannot say today possibly. It may be or it may not be. I just do not know.

Q Did you not know either which title Ohlendorf had?

A Ohlendorf? I cannot tell you today whether he was an SS Gruppenfuehrer or Oberfuehrer, or what.

Q No, I do not mean that. I mean, which title he had in his capacity as thel ader of Einsatzgruppen D.

A No, I do not even know that now.

Q Did you not know that his title was Deputy Chief of the Security Police, NSDAP, attached to Army Group D?

A No, I did not know that, because an Army Group D did not exist at the time at all, as far as I know.

Q Do you know what designation of the armies was there?

A No, that is not clear to me, at all.

DR. GAWLIK: Thank you,

CROSS EXAMINATION

BY BRIGADIER GENERAL TAYLOR:

Q Witness, did you leave theGeneral Staff of the OKH in February of 1938?

A May I ask you to repeat the question? I am afraid that I did not understand.

Q Did you leave the General Staff of the OKH in February, 1938?

A Whether I was a member of the OKH? Yes, yes.

Q What was your rank when you left the OKH General Staff in 1938?

A I was made a general.

Q That is the lowest grade of general officers in the German Army, is it not?

A Yes.

Q And after you left the General Staff of the OKH, you became a divisional commander?

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A Yes.

Q And you were a divisional commander at the time of the occupation of the Sudetenland, were you not?

A Yes. My position in the service in peace time was divisional commander. At that time, when the Sudetenland was actually occupied, I was temporarily chief of the General Staff of that army which was marching in through Bavaria.

Q And you were still a divisional commanderwhen the rest of Czechoslovakia was occupied, wereyou not?

A Yes, indeed.

Q And you were stilla divisional commander while the attack upon Poland was being planned?

A Yes.

Q Where was your division situated?

A My division was stationed in Lower Silesia, with the Command Post in Lignitz.

Q So that you personally were not close to the OKH planning from February, 1938, until the outbreak of the war?

A No; I was only in the OKH until the Anschluss in Austria, because in order to hand over the affairs to my successor, General Haldér, I remained in the OKH for a little while.

Q No, you were engaged in the war against the Soviet Union from the very beginning, were you not, beginning in June, 1941?

A Yes.

Q And did you take command of the German 11th Army after the death of General von Schubert?

A Yes, indeed.

Q And that was about the middle of September of 1941?

A Yes. I believe I took over command on the 21st or the 22nd of September.

Q And during 1941 and the first part of 1942 the 11th Army, which you commanded, was situated at the extreme southern end of the front, was it not?

A Yes.

Q That is at the region north of the Black Sea?

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A Yes, yes.

Q And your headquarters, when you took command, was at Nikolajev?

A Yes.

Q Now, is it true that you have just been testifying that Hitler had some very particular ideas concerning the methods by which warfare on the Eastern Front would be carried on?

A Yes.

Q Yes. Hitler thought that the occupied Russian territories could best be subdued and pacified by the widespread use of terror, did he not?

A At the time, that was not clear to me by any means. It was only during the trial that I learned that.

Q Did you not receive an order from the OKW that terroristic means were to be used to keep order in the occupied territories?

A No, I could not, in my opinion, receive an order from the OKW in the army at all. And I have no recollection of an order of terrible methods, either.

Q An order issued by the OKW could readh you through proper channels, through the OKH, could it not?

A Yes.

Q Will you please look at the document which is being handed to you?

BRIGADIER GENERAL TAYLOR: Your Lordship, that will be 459 PS, and the USA number will be 926.

BY BRIGADIER GENERAL TAYLOR:

Q You will see from theheading on the document that it was issued by the OKW on the 23rd of July , 1941.

A Yes. But that, in my opinion, is a decision of the OKW, because the letter says, "The Chief of the Supreme Command of the Armed Forces." That is the OKW.

Q Will you explain it? This is a document mentioned by the OKW.

DR. LATERNSER: I beg to apologize, but I shall have to interrupt here. I ask that a German copy be submitted to the witness. I have just gathered from his reply that he is in the possession of an English document.

BRIGADIER GENERAL TAYLOR: The witness has a German copy, I am told.

THE PRESIDENT: Have you got a German copy?

THE WITNESS: Yes. A German copy is underneath.

BY BRIGADIER GENERAL TAYLOR:

Q I would like to read this document to you and ask you a question about it.

"On the 22nd of July, the Fuehrer, after receiving the C-in-C of the Army, issued the following orders with a view to supplementing and enlarging Directiv Number 33."

And now, Witness, will you turn to Paragraph 6, please, the last paragraph, Paragraph 6? Do you find it?

A Yes.

Q "In view of the vast size of the conquesred territories in the East, t forces available for establishing security in these areas will be sufficient on if instead of punishing resistance by sentencing the guilty in a court of law t occupying forces spread such terror as is likely, by its mere existance, to cr every will to resist amongst the population.

"The respective commanders, together with available troops, should be made r sponsible for maintaining peace within their areas. The commanders must find th means of keeping order within their areas, not by demanding more security force but by applying suitable, drastic measures." Signed by the defendant Keitel.

Did such an order never reach you, Witness?

A I cannot remember the order. After all, it was long before I became the commander; and naturally not every order that was issued before I became a lead was submitted to me. At any rate, I can't recollect it.

Q At the time this order was issued, you were a corps commander, weren't yo

A Yes.

Q Isn't it plain on the face of this order that it could only be carried ou by wide distribution to troops and the leaders to all the formations?

A No, after all, the order contains information for the Eastern Front, the Northeastern Front, the Navy, and Air Force, and also for the securing in of the rear areas/ At that time I went ahead, and particularly in July I was partly cut off and surrounded; and that an order could be sent to me. brought to me over th entire front, that is out of the question; so that if at all then I would only h had extracts referring to my area. But here the orders under Figure 6 were concer ned with the securities of all of the rear areas; and the other corps which went ahead of the front line of the infantry armies then would have had nothing to do with these matters.

Q The order plainly is meant to apply generally over the entire front, isn't

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A Yes, it naturally applies to the entire front. With these measures an armored corps which would have gone ahead of the front and which is continous engaged in the battle with enemy forces has nothing more to do; and even if t order had been sent to me, dispatched to me, then it doesn't mean at all that it would have reached me because I remember that particularly in July when I was encircled and cut off, a very considerable portion of our supplies from headquarters, including very important documents, fell into enemy hands, so that not to the best of my ability can I remember having received this order. In fact, I don't believe it was dispatched at all.

Q If an Army Commander received this order, he could only carry it out by distributing it down to his lower formations; isn't that right? That's the only way he could carry it out?

A He didn't necessarily have to distribute it, no, because Figure 6 after all mentioned conquered territories, that is to say, rear areas; and the armo group which I was supporting certainly had two armoured corps in the front li and would not necessarily and unconditionally have dispatched this order to th corps because the securing of the rear areas would have had to be carried out by them without the two corps. In any case the effect was done.

Q So assuming you were cut off at the time and never got this ord r at th time it was issued, didn't any of your fellow generals in the other ar as in the Prussian military tradition ever speak to you about this order and indicat they had received it?

A None of them has discussed the order with me. As supreme commander, for instance, one can only talk to other supreme commanders in the rear on the ra st occasions. Whether they received the order, that is really something I coul nt tell you.

Q We'll pass from that document. Now, Hitler regarded the war on the East- ern Front as ideological war and a race conquest, didn't he?

A Yes, yes.

Q And he wanted not only to conquer the Soviet Army but also to wipe out the Soviet political system, isn't that true?

A He felt, no doubt, that the production system of the Soviet Union in the occupied territories should be used for our warfare.

Q And he wanted to set up a new political system in the areas whic the

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Army had captured?

A I don't understand what you mean exactly by "a new system." That is, referring to industries, or what are you referring to?

Q A pol tical system, a system of political administration.

A Naturally in the occupied territories there must be some sort of an administration.

Q He wanted an adminstration which would be very different from the ty of administration under the Soviet Government, didn't he?

A Yes, the National Socialist System up to a point in c rtain respects was diff rent from the Soviet system, so we made these necessary att mpts t establish the administration.

Q Now, in order to set up a new political adminstration, an adm inistrat that would operate peaceably so the territory could be exploited, Hitler w s very anxious to stamp out those parts of the population who would oppose his aims, wasn't he, those elements in the population?

A I don't know whether that was his plan from the start. At any rate, the military, were never told of the plan.

Q In order to help in carrying out these plans, didn't the OK issue s eral orders to the commanding generals that were quite extraordinary? I ref among other things, to the Commissar order that you have mentioned.

A The Commissar order, after all, only affected the removal of the elem who, shall we say, were of the Soviet and had been carrying on the war beyon the military into the ideological sphere. That has nothing to do, therefore, with the extermination of portions of the population, being the remov l of a certain class of followers of enemy armed forces.

Q I refer also to Hitler's well-known order of the 13th of May, 1941, which restricted the use of courts-martial in cases where German sol iers co mitted crimes against the civilian population. Wasn't that part of this same plan?

A Certainly if the plan did exist on his part, then it was part of his p but we didn't follow that lan. As I said, we, on t basis of the order fro the supreme commander of the Army, employed our legal system in or r to pre- vent perpetuation of this system; and I mentioned to you the example of the two instances.

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Q Well, infact, Witness, were these views of Hitler and the purposes of these orders very well known to you and the other commanding generals on the Eastern Front?

A No, any further purpose of that order was not known to us; for instance, the purpose of exterminating people. In fact, that thought never struck us at the time.

Q Well, now, what elements in the Russian population did the Germans think would be most likely to oppose their economic and political aims in occupied territory?

A About that I didn't worry at the time. I didn't worry about the economic plans by terrorists nor the political plan from which they were excluded. I could only say that we, the soldiers, had the thought that the population in occupied territories by means of a reasonable treatment should be kept quiet; and over and above that our considerations didn't go at all.

Q Whether you worried about it or not, didn't you know whi Hitler and the other political leaders thought were the elements in the Soviet population most likely to be obstructive? I'm asking you; didn't you know?

A We didn't consider that they were enemies as damaging as Hitler. We considered them to be our enemies, that is natural; and that was expressed by him in the Commissar order. However, apart from the Commissar order, what was the meaning of destroying and decimating such elements, I don't know, I told you we never received an order to that effect.

Q Didn't he also think the Jews should be exterminated for exactly the same reasons

A That may be; but, for instance, with me he did not on any occasion discuss the Jews.

Q You didn't know anything about that?

A No, I know nothing of the plan of exterminating.

Q I'd like to ask you a few more questions about the Einsatzgruppen and Einsatzkommandos. Are you telling the Tribunal that you did not know that one of the most important missions of those units was to assist in exterminating the Commissars and the Jews in accordance with these policies?

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A. That I do not know.

Q. Was there an Einsatzgruppe attached to your Army, the Eleventh Army ?

A. Yes. It was Rudolph Hess's Einsatzgruppe operating in the area of my army.

Q. I think you told us earlier that the Einstzgruppe was entirely under the orders of Himmler for operational purposes. I think you also told us that Himmler was a bitter enemy of the Army. What did you do when you learned there was an Einstzgruppe attached to the Army ? What were you told about it ?

A. At that time it was reported to me than an organization in the operation zone was investigating the population from a political point of view, and that the orders for that had come Himmler to them. I could not do anything against that because I could not possibly assume that these units of the SS were following criminal tasks.

Q. Is the Commander-in-Chief pleased to have an independant unit operating in his area which he cannot order around ? Is that customary ? Do you like it ?

A. No, Of course, I do not like it, but then there were numerous other independant units, the Air Force, for instance, which did not come under our Command in any way when we were fighting together. We had to make arrangements with them. Legally, it did not come under our jurisdiction either. The same applied to the Economic Staff East, and the same applied to the Police. In short, we were confined to military leadership. That is the best thing that can happne to a soldier because of other matters he knows very little according to popular judgment.

Q. Did it not even arise your curiosity to have an independant unit under Himmler's orders operating in your area ? Did it not stimulate you to find out what he was doing ?

A. The task of investigating the population for their political reliabili was reported to me. I have already said that I would only be at Army Headquarters for two or three days after which I went to the front. And I must say that the military fighting was occuping my time to such an extent during

the entire winter when I was a commander, that there was no time to satisfy my curiousity.

Q. You talked to the Chief-of-Staff and other staff officers from time to time, did you not ?

A. The other supreme commanders I only met when there was some conference at the OKH. I talked to my general staff, naturally. This question of the SD never cropped up because as far as we were concerned, it did not appear as an important question to us.

Q. Did you not ever ask your chief of staff or any staff officer to keep you very carefully informed on what these independant groups under Himmler were doing in your area ?

A. No. This group was comparatively small. It never became obvious. It never became apparent. It only became apparent to us when they were supplyi us with people and organizations for the partisan fights in the Krimm(Crimea) I know that my staff was negotiating with the SS leader on that occasion.

Q. I have two or three documents dealing with this matter which are alrea in evidence. I would like to show them to you and ask you a question about it. The first one is the affidavit Number 12, which is already in evidence. It is USA 557. The first part of this affidavit concerns matters which you probably do not know about directly. You should know about the second paragraph, certainly. This is an affidavit by Walter Schellenberg.
I would like to read the following paragraphs:

"In the middle of May 1943, as far as I remember, the Chief of Amt 4, of the RSHA (SS-Brigadefuehrer Mueller), in the name of the Chief of the RSHA (SS-Gruppenfuehrer Heydrich), hold discussions with the Generalquartiermeister of the Army (General Wagner) about questions connected with the operations of the SIPO and SD within the bounds, of the Field Army during the imminent campaign against Russia. Wagner could come to no agreement with Mueller and therefore asked Heydrich to send another representative, I was at that time Chief of Section E in Amt 4 of the RSHA under Chief of Amt protocol to be sent to Heydirch for the purpose of drawing up the final agreement. According to the instructi s given to me, I was supposed to make

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sure that this agreement would provide that the responsible headquarters in the Army would be firmly obligated to give complete support to all activities of the Combat Groups and Combat Commandos of the SIPO and SD. I discussed the problem of this mutual relationship in great detail with Wagner. In accordance with this discussion I then presented him with the completed draft of an agreement, which met with his full approval. This draft of an agreement was the basis for a final discussion between Wagner and Heydrich towards the end of May 1941.

The contents of this agreement, as far as I remember, were substantially as follows: Its basis was the Fuehrer's command, mentioned at the very beginning of the agreement, that the SIPO and SD should operate within the combat elements of the Field Army with the mission of utterly smashing all resistance in conquered front-line areas as well as in conquered rear supply zones by every means and as quickly as possible. The various areas were then set down in which the SIPO and SD were to be active and operating. The individual Combat Groups were then assigned to the army groups which were to take part in the campaign and the individual Combat Commandos to the respective armies which were to take part in the campaign.

The Combat Groups and Combat Commandos were to operate in detail:

1) in front-line areas :	in complete subordination to the Field Army, tactically, functionally and administratively;
2) in rear operational areas:	in merely administrative subordination to the Field Army, but under the command and functional control of the RSHA;
3) in rear Army areas:	arrangement as in 2;
4) in areas of the civil administration in the East:	same as in the Reich.

The tactical and functional authority and responsibility of front-line headquarters of the Field Army over the Combat Commandos found no limitation in the agreement and therefore needed no further clarification.

THE PRESIDENT: This is already in evidence, so we do not need the details.

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BRIGADIER GENERAL TAYLOR: It is in evidence. It was never read before. I have just one more paragraph I would like to read with your permission.

THE PRESIDENT: Proceed.

BRIGADIER GENERAL TAYLOR: "The agreement made it clear that the administrative subordination embraced not only disciplinary subordination but also the obligation for rear headquarters of the Field Army to support the Combat Groups and Combat Commandos in matters of supply (Gasoline, rations, etc.) as well as in the use of the communications network". That is all that needs to be read, Your Honor.

BY BRIGADIER GENERAL TAYLOR:

Q. Witness, is it not true that the Army made it possible for these Einstzgruppen and Einstzkommandos to operate; that you furnished them with the supplies and transports and other things they had to have to carry out their mission ?

A. Yes. Certainly we had to do that because of the economic contribution the SS made to our Army.

Q. Is it not also true, that the Commanding Generals, had to keep track of what these units were doing so that their operations would not interfer with military operations ?

A. No. Actually the commanding general would not have to bother with the Einsatz groups unless they appeared at the front and I, as Commanding General as I have told you, did not meet such an Einstazgruppe in my zone.

Q. Have you told the Tribunal it was only at the front where military operations could be distrubed ? Is it also true rear areas are also importa Were you not concerned about the rear area, too ?

A. We were interested in securing our supply in the rear area. Roads and rails were important. A disturbance there could only have taken place if, for instance, through mass execution or some such matter as it is now becoming apparent that these things have happened, there was disquiet amongst th population. The commanders of the rear areas would have heard about this, and they would have interferred.

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Q Your Honor, I would like next to read a little from Document 447-PS, US-135. May I call your attention to Paragraph 2, sub-division A, beginning with "The area of operations." Do you see that?

A Yes, I do.

Q I would like to read two paragraphs:

"The area of operations, created through the advance of the Army beyond the frontiers of the Reich and the neighboring countries is to be limited in depth as far as possible. The Supreme Commander of the Army has the right to exercise the executive power in this area, and may transfer his authority onto the Suprer Commanders of the Army Groups and Armies.

"b) "In the area of operations, the Reichsfuehrer SS is, on behalf of the Fuehrer, entrusted with special tasks for the preparation of the political administration, tasks which result from the striggle which has to be carried out between two opposing political systems. Within the realm of those tasks, the Reichsfuehrer SS shall act independantly and under his own responsibility. The executive power invested in the Supreme Commander of the Army (OKH) and in agencies determined by him shall not be affected by this. It is the responsibilty of the Reichsfuehrer SS that through the execution of his tasks military operati shall not be disturbed. Details shall be arranged directly through the OKH with the Reichsfuehrer SS."

I am asking you again, witness, whether it was the responsibility of you and your headquarters to make sure that the operations staff group did not interfere with military operations and that you must have kept yourself fully informed on what they were doing?

A Military operations in any shape or form had a mission and naturally the Commanders would have to be informed, but the fact that the political police wer supervising occupied area and in that occupied area the political reliability of people was being investigated is by no reasons means for an assumption that there were mass shootings or that there were shootings at all were taking place in this area. The political supervision by political police is an affair which must exist in every occupied territory.

Q I think you have already testified that you did not know of any mass shoot ings in your area. Is that right? You did not know of any?

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A No, I did not know of any.

Q I wish to present Document 102, which is now in evidence as US 470 and would like to read two paragraphs from the last page of the translation. I think the two paragraphs in question are marked in your copy. They are on pages 17 or 18. You will see the original report covering the activities of the Einsatzgrupp in the U.S.S.R. during the month of October and it covers the activities of all four Einsatzgruppes, including Group B. which was attached to your army. The section beginning on page 16 relates to the activities of the Einsatzgruppes C and D, which were in the Ukraine. Under that you will note Paragraph B, which is headed "Arrests and Executions of Communists and Officials." Do you find that?

A Yes.

Q I quote: "The search for leading communists resulted in the arrest of Kaminski, former GPU chief of Cherson. In the years 1919/21 he had carried out the liquidation of the Czarist officers. The head of the prison work shops of the NKVD was also caught.

"In Kiev a number of NKVD officials and political commissars were rendered innicuous."

The next sub-head (c). The first two paragraphs relates to cities outside your area I believe. Then there is a paragraph which deals with Cherson. Cherson is about 40 miles from Nikolajev, would you say that 60 Killometers would be righ

A Yes that would be right.

Q "I quote: In Cherson 410 Jews were executed as a measure of retaliation acts of sabotage. Especially in the area of the Dnjepr the solution of the Jewish question has been taken up energetically by the task forces of the security Police and the SD. The areas newly occupied by the Commandos were purged of Jews. In the course of this action 4891 Jews were liquidated. At other places the Jews were marked and registered. This rendered it possible to put at the disposal of the Wehrmacht for urgent labor, Jewish worker groups up to 1000 persons."

Are you still telling the Tribunal that you knew nothing of the operations of this Einsatzgruppe under your army?

A If you take the case of Cherson, then I shall have to tell you that I never received the report about the shooting of the Jews there, nor did I receive a report of the arrest of the G.P.U. man Kaminski. I remained in thatsection only

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until about the 24th of September then I moved to my command post in the Nogar Steppe, which is much further east. As far as the liquidation of Jews east of the Dnieper is concerned, I know that my army had not been at that operational zone. In our territory most of the population were German militarists as the population had been taken away by the Russian Army. Therefore, the liquidation of Jews could not have taken place at all as there were no Jews there and more than 4,000 could not have been liquidated, that was the operational zone for the fourth Army.

Q Did the Commanding General on the eastern front submit special instructions to the troops to liqudate the Jews and Commissars?

A No, that is quite out of the question.

Q Did General Reichenau issue such an instruction?

A No. I only know of one order of Reichenau, which has been brought up in court, where he discussed the fighting in the east and by Hitler's order it was sent as an example. I personally turned down the order and therefore sis not apply it in any way and I know of no other supreme Commander who used the order

Q That order of General Reichenau instructed troops to take the most sever revenge on Jews and all elements of Bolshevism, did it not?

A No, I did not know and I consider it out of the question that he did order that.

Q What did you do yourself when it was suggested that you issue an order like General Reichenau's order?

A It was not suggested to me. We had it sent to us by order of the Fuehrer. I considered the special order as quite wrong because I was interested in the military fight and no other type of fighting.

Q So you did not do anything about it?

A No, what could I have done.

Q May I say first that the Document by General Reichenau is USA 556.

I will now ask that the witness be shown document 4064-PS USA 927. Will you look at this document, witness, and tell us if this is not a document issued fr your headquarters and signed with your facsimile signature. It is dated November 20, 1941?

A I shall first look at the Document. I do not recollect the contents of it

Q Is that your signature?

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A It looks like it, but I shall first of all read the order to see whether I gave it or not.

Q The Document, as indicated at the top of the page, states XXX Corps IC Ref. IC id the intelligence office, is it not?

A That is the name of the office that deals with information on the Army but it has nothing to do with these matters.

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Q And just below there is a stamp of the 72nd Division, 27 November 1941, Diary Number 1c, and at the left it appears to have been issued by Army High Command 11 at Army Headquarters, 20 November 1941. Secret.

"Since 22.6 the German people is engaged in life and death struggle against the Bolshevist system.

"This struggle is not being carried on against the Soviet Armed Forces alone in the established form laid down by European rules of warfare.

"Behind the front too, the fighting continues. Partisan snipers dressed as civilians attack single soldiers and small units and try to disrupt our supplies by sabotage with mines and infernal machines. Bolshevists left behind keep the population freed from Bolshevism in a state of unrest by means of terror and attempt thereby to sabotage the political and economic pacification of the country. Harvests and factories are destroyed and the city population in particular is thereby ruthlessly delivered to starvation.

"Jewry constitutes the middle man between the enemy in the rear and the still fighting remainder of the Red Armed Forces and the Red leadership. More strongly than in Europe it holds all the key positions in the political leadership and administration, controls trades and guilds and further forms the nucleus for all unrest and possible uprisings.

"The Jewish-Bolshevist system must be exterminated once and for all. Never again must it encroach upon our European living space.

"The German soldier has therefore not only the task of crushing the military potential of this system. He comes also as the bearer of a racial concept and as the avenger of all the cruelties which have been perpetrated on him and on the German people.

"The fight behind the lines is not yet being taken seriously enough. Active cooperation of all soldiers must be demanded in the disarming of the population, the control and

arrest of all roving soldiers and civilians and the removal of Bolshevist symbols.

"Every instance of sabotage must be punished immediately with the severest measures and all signs thereof must be reported.

"The food situation at home makes it essential that the troops should as far as possible be fed off the land and that furthermore the largest possible stocks be placed at the disposal of the homeland. Particularly in enemy cities a large part of the population will have to go hungry. Nevertheless nothing which the homeland has sacrificed itself to contribute may, out of a misguided sense of humanity, be given to Prisoners or to the population--so long as they are not in the service of the German Wehrmacht.

"The soldier must appreciate the necessity for harsh punishment of Jewry, the spiritual bearer of the Bolshevist terror. This is also

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necessary in order to nip in the bud all uprisings which are mostly attributable to Jews.

"It is the task of leaders at all levels to keep constantly alive the meaning of the present struggle. Support for the Bolshevist fight behind the front by way of thoughtlessness must be prevented.

"It is to be expected that non-Bolshevist Ukrainians, Russians and Tartars will be converted to the New Order. The non-participation of numerous alleged anti-Soviet elements must give place to a definite decision in favor of active cooperation against Bolshevism. Where it does not exist it must be forced by suitable measures.

"Voluntary cooperation in the reconstruction of occupied territory is an absolute necessity for the achievement of our economic and political aims.

"It has as its condition a just treatment of all non-Bolshevist sections of the population some of whom have for years fought heroically against Bolshevism.

"The ruling of this country demands from us results, strictness with curselves and submergence of the individual. The bearing of every soldier is constantly under observation. It can make enemy propaganda ineffective or give it a springboard. If the soldier in the country takes from the peasant, the last cow, the breed sow, the last chicken or the seed, then no restoration of the economy can be achieved.

"In all measures it is not the mementary success which is decisive. All measures must, therefore, be judged by their effectiveness over a period of time.

"Respect for religious customs, particularly those of Mehammedan Tart must be demanded.

"In pursuance of these concepts there are other measures besiedes to be carried out by the later Administration. The enlightenment of the populatio by propaganda, encouragement of personal initiative, e.g., by prizes, extensive detailing of the population towards fighting the partisans and expansio of the local auxiliary police must be given more significance.

"For the achievement of this object the following must be demanded.

Active cooperation of soldiers in the fight against the enemy in the rear,
No soldier to go about alone at night,
All motor vehicles to be equipped with adequate armament,
A self-assured, but not overbearing attitude from all soldiers,
Restraint towards prisoners and the other sex.
No waste of food.

"severest action to be taken :
Against despotism and self-seeking,
Against lawlessness and lack of discipline,
Against every transgression of the honor of a soldier."

And it appears that it is to be distributed right down to the regiment and independant batallions.

Did you not issue that order as a result of the suggestion which came to you together with the Reichenau order ? The resemblance between the tw to say the least, striking and the date is about the same.

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A. I shall have to tell you that this order escapes my memory absolutel According to what is contained in the last part particularly, I must assume that the order is genuine and has been issued by me. Whether it was given the strength of the Reichenau order or not I can not tell you, to the best my ability, but I do want to point out to you, that if it says here that the system must be exterminated, then that is extermination of the Bolshevi system but not the extermination of human beings.

I shall also have to point out to you that in no part is there menti of collaboration with the SD, a collaboration which, because of the lack of knowledge we had of the doings of the SD, was out of the question in any case.

I also must point out to you that there are demands which I make of m soldiers -- namely, that they must not take the fast cow away from the farmers, that they must respect religious customs, that they must respect the other sex and that, on the other hand, they naturally must not be careless of the danger of partisans, something which the German soldier was always inclined to be

I also point out to you that expressly any selfishness is prohibited any wildness on the part of the German soldier, any lack

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of discipline, and most of all anyviolation of the honor of a soldier.

Q You were asked about the General Reichenau order before the Commissioner, were you not? You were asked, and I read on page -- I will have to find the page, Your Honor. I have a typed copy here, Your Honor, without the final page reference.

Were you questioned before the Commissioners as follows:

"You know the order of General Reichenau in which he stated that there should be no consideration shown to the civilian population? Did you see the order, and did he have any influence on your attitude and that of your troops to the civilian population?"

And you answered:

"We were informed of this order upon the suggestion of the Fuehrer, but none of the other leaders were of the same opinion as Reichenau, and it was never carried out, especially in my area."

You had not forgotten the Reichenau order, had you?

A The Reichenau order, until it appeared amongst the documents here, had been completely forgotten by me, and particularly this order of mine had been completely forgotten by me. After all, that is not surprising because that is a number of years ago, and during these years I have signed hundreds, if not thousands, of orders, and I can not possibly remember every detail.

Q Did you sign a lot of orders like this one? Is that why you have such difficulty remembering it?

A No, I certainly have not signed a lot of orders like this one, but I have signed a lot of other orders, particularly a large number of reports and letters to be read by me, and I admit that I have forgotten that order. That is not surprising. I only know that this order, at any rate, as opposed to the Reichenau order, very strongly emphasizes the demand which I make for decent behavior on the part of my soldiers. That, after all, is the important point.

Q You remember the Reichenau order, and you remember that it was suggested that you pass it down, and the only thing you have forgotten is that you did?

A No, I have already told you that I only remembered the Reichenau order when I came here when it appeared amongst the documents and before the Commissi

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when it was shown to me. I can not, to the best of my ability, recollect that I gave that order. If I had done it, I would most certainly have mentioned it because in the second part the order supports my conceptions.

Q You think that you wrote the second part and not the first?

A I did not write the order at all myself. Very probably the order was shown to me in draft and then I signed it. In the first part the fight against the system and the extermination against the system is mentioned, as is the fight against the Jews as the bearers of the Partisan movement. That, after all, had its proper justification, but all that has nothing to do with the fact that Jews were to be exterminated. They were to be excluded, and the system was to be removed. That is the point that matters.

Q I think you told the Tribunal a few minutes ago that

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you did not even know that Jews were likely to be opposed to the new administration. It looks as if you very difinitely wrote that to the attention of your soldiers; didn't you?

A. No, that I did notknow that there were orders that Jews were to be exterminated. That order could not possibly recall it to me because it does not mention a word that the Jews were to be exterminated. It merely says that the system is to be exterminated. That is something quite different.

Q. I call your attention to the paragraph: "The soldier must appreciate the necessity for harsh punishment of Jewry, the spiritual bearer of the Bolshevist terror. This is also necessary in order to nip in the bud all uprisings which are mostly attributable to Jews."

Now, I ask you witness, the Einsatzkommandos could not have liquidated Jews without the soldiers knowing something about it, could they. Is that true?

A. That is perfectly possible, because as Ohlendorf has described it, the shootings of the Jews and the resettlement of them were camouflaged. The Jews were taken to desolate places and were shot and buried there, so that the commanding authorities had no knowledge of that. Naturally, it is possible that one or the other soldier, quite by accident, may have seen such an execution, and there is, in fact, evidence; I remember, for instance, the Russian indictment and an engineer in the Ukraine who was present during such a shooting and who describes it in the most horrible terms.

One can ask, then, why that man did not report it to the military commander The answer is that the fear of the SS was such that this man, instead of reporting this dirty business, kept it under his hat and is now coming out with it. Had he at that time gone to some military commanding authority and had be reported these events, then I am convinced that the commander in question would have intervened, and then, of course, we would also have heard of it, but the fact is that we did not hear about it.

GENERAL TAYLOR: One more question on this subject, Your Honor.

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BY GENERAL TAYLOR:

Q. Witness, isn't it true that this order is very carefully drawn so that the troops would understand and, shall we say, sympathize with what the Einsatzkommandos were doing in the way of mass extermination of Jews?

A. You mean my order?

Q. Yes.

A. No. There is no question of that. There could be no question of my at any time, even between the lines, instigating their cooperation in such methods. How could I have referred to the soldier's honor and emphasized that in the end afterwards?

GENERAL TAYLOR: My Lord, the Prosecution has no further questions of this witness.

THE PRESIDENT: We will adjourn now.

(The Tribunal adjourned until 1000 hours, 12 August 1946.)